

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

SCOTT PETERS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Civil No. 16-cv-1271-JPG-CJP
	)	
COMMISSIONER OF SOCIAL SECURITY,	)	
	)	
Respondent.	)	
	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff’s Motion Pursuant to Fed. R. Civ. P. 60(b)(3), (4) and (6). (Doc. 52).

Plaintiff sought judicial review of the decision of the Commissioner of Social Security denying his application for disability benefits. Judgment was entered in favor of defendant on August 10, 2017. Plaintiff filed a motion under Fed. R. Civ. P. 59(e), which was denied on February 2, 2018. (Doc. 46). Plaintiff then filed a notice of appeal. (Doc. 48). Plaintiff’s appeal has been assigned Case No. 18-1400 and is now pending in the Seventh Circuit Court of Appeals.

Plaintiff filed his Rule 60 motion about one month after he filed his notice of appeal. The filing of the notice of appeal transferred jurisdiction of this action to the Seventh Circuit. Generally, the filing of a notice of appeal “divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). The district court retains jurisdiction only to act as to discrete matters that are ancillary to the issues being appealed. *May v. Sheahan*, 226 F.3d 876, 879 (7th Cir. 2000).

Plaintiff’s Rule 60 motion argues that this court was incorrect in ruling against him on his claim. It does not involve an ancillary matter such as attorney’s fees. Therefore, this court is

without authority to decide his motion. Plaintiff's Motion Pursuant to Fed. R. Civ. P. 60(b)(3), (4) and (6) (Doc. 52) is **DISMISSED**.

**IT IS SO ORDERED.**

**DATED: JUNE 14, 2018**

*s/ J. Phil Gilbert*  
**J. PHIL GILBERT**  
**UNITED STATES DISTRICT JUDGE**